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July 14, 2011

*Via ECF and FedEx*

Hon. Esther Salas, U.S.D.J.  
United States District Court for the District of New Jersey  
M.L. King, Jr. Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

**Re: BanxCorp v. Bankrate, Inc. et al, Civ. No. 07-3398 (ES)**

Dear Judge Salas:

We write on behalf of Plaintiff BanxCorp in response to Defendant Bankrate Inc.'s counsel R. Scott Thompson's letter dated July 13, 2011 [Doc. No. 263] filed without advice and in disregard for professional courtesy. Recent correspondence would appear to cast a shadow of doubt on the justification of counsel's "*request that the [August 9, 2011] status conference be rescheduled as [he] will be out of the country from July 29 through August 9, 2011.*"

For example, last Friday, July 8 at approximately 4 p.m. counsel wrote that "*we will need several days to take [BanxCorp's CEO] Mr. Mehl's deposition. Please provide us with dates beginning on August 1, 2011 that Mr. Mehl will be made available for deposition.*" The same day counsel served a Notice of Deposition of Plaintiff BanxCorp's former employee Roy P. Adams for **Monday, August 8, 2011**, at the law offices of Lowenstein Sandler. This may explain why this antitrust action is now in its fourth year of litigation and Defendant's counsel is still preventing its key witnesses from being deposed.

We apologize for any inconvenience and thank the Court for its consideration.

Respectfully submitted,



Mordechai I. Lipkis

cc: All Counsel of Record